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Attorneys for Defendant
BAYER HEALTHCARE LLC,
erroneously sued as BAYER CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEN CASILLAS JR; APRIL CASILLAS; SAUL
SANCHEZ; AND LILIAN SOTO,

Plaintiffs,

v.

BAYER CORPORATION and DOES 1 through
100, inclusive

Defendants.

Case No. 3:23-cv-01609-AMO

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

(Removed from Alameda County Superior Court
Case No.: 23CV028329)

Pursuant to Local Rule 3-12, defendant Bayer Healthcare LLC, erroneously sued as Bayer Corporation ("Bayer") hereby moves this Court for an Order relating this matter pending before District Judge Araceli Martinez-Olguin to the below listed matter, currently pending before Magistrate Judge Sallie Kim in the United States District Court, Northern District of California. As outlined below, these matters are sufficiently related under both 3-12(a):

1. *April Casillas, individually and as the Successor-in-Interest of Ben Casillas Jr., and Ben Casillas, Sr., as Guardian ad Litem for R.C., a Minor and V.C., a minor. v. Bayer Corporation and Does 1 through 100, in the United States District Court, Northern District of California, Case No. 3:23-cv-02199-SK.*

Under L.R. 3-12(a), an action is related to another when: 1) the actions concern substantially the same parties, property, transaction, or event; and; 2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

As shown by the Notice of Removal and Amended Notice of Removal filed in these actions, both matters originate from the same incident, a fire at a facility owned and operated by Defendant. Similarly, the Complaints filed in both cases contain nearly identical allegations. The Complaint of the joint personal injury action on behalf of the two injured individuals and their spouses was filed on February 23, 2023. The Complaint of the separate wrongful death lawsuit was filed April 4, 2023, after the death of Mr. Casillas. Ultimately, the parties are, effectively, the same. April Casillas and Ben Casillas, Sr., the surviving members of Ben Casillas, Jr., seek to recover damages for his death following the fire. Given the similarities between both actions, the discovery and witnesses, both fact and expert, will be largely duplicative of one another. Because discovery will be, essentially, identical in each case, there is a significant risk of inconsistent results from any potential discovery disputes.

Based on the substantial similarity of parties, the fact that Plaintiffs are the same in both actions, and that both actions involve the same factual inquiries, there is a risk of an “unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Civil L.R. 3-12(a). Because both matters fall within the definition of a related case under L.R. 3-12(a), Parties, as noted in the attached stipulation, respectfully request an order relating these before a single judge, for all purposes.

Dated: May 25, 2023

SHOOK, HARDY & BACON L.L.P.

By: /s/ Edward B. Gaus
Edward B. Gaus
Attorneys for Defendant
BAYER HEALTHCARE LLC, erroneously
sued as BAYER CORPORATION